SINGLE BENCH

(1) (4) CF RS 2007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W. P. (S) No. 1057 / 2007

PETITIONERS

1. Krishna Kumar Nagesh, S/o. Shri Sadh Ram Nagesh, aged about 41 years, Assistant Teacher Govt. Primary School – Tengna Kachar, Block – Bilaigarh, Distt. – Raipur (C.G.)

2. Rajkumar Kumar Markandey, S/o. Shri Budharu Markandey, aged about 44 years, Assistant Teacher, Tribal Welfare Govt. Primary School – Kopedera, Block – Dondi, Distt. – Durg (C.G.)

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VERSUS

RESPONDENT'S

1. State of Chhattisgrh, Through – The Secretary Department of Education/Tribal Welfare Department, D.K.S. Bhawan, Raipur (C.G.)
2. Commissioner Tribal Welfare, Chhattisgarh Govt. Raipur
3. Assistant Commissioner, Tribal Welfare, Distt.- Durg (C.G.)
4. Assistant Commissioner Tribal Welfare Distt. Raipur (C.G.)

OATH COMMISSIONER APARNA MALVIYA CG-2073/96 Bilaspur Chhattisgarh 11/04/08

~~(2)~~

(5)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRIT, WRITS, DIRECTION ETC. TO DO JUSTICE IN THE MATTER.

(28)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1057 of 2007

Petitioners : Krishna Kumar Nagesh and another

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. A.S. Rajput, Advocate for the petitioners.

Ms. Deepali Pandey, Panel Lawyer for State/respondents.

O R D E R

(Passed on this 26th Day of February, 2007)

1. The petitioners were appointed in the years 1988-89 as Assistant Teachers on fixed pay scale of Rs. 300/-. After completion of one year probation, she was granted regular pay scale of Rs. 975-1650/-.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special

(27)

Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash